

IN THE CIRCUIT COURT OF THE
NINETEENTH JUDICIAL CIRCUIT IN
AND FOR SAINT LUCIE COUNTY, FLORIDA

GERALD R. PUMPHREY, as Personal
Representative of the ESTATE OF TRYSTEN
ELI FRANK ADAMS,

CASE NO.: 2016CA001406

Plaintiff(s),

vs.

FLORIDA DEPARTMENT OF CHILDREN
AND FAMILIES, DEVEREUX
COMMUNITY BASED CARE, INC.,
CAMELOT COMMUNITY CARE, INC.,
UNITED FOR FAMILIES, and HIBISCUS
CHILDREN'S CENTER, INC.

Defendant(s).

_____ /

PLAINTIFF'S MOTION TO AMEND COMPLAINT

COMES NOW, the Plaintiff, GERALD R. PUMPHREY, as Personal Representative of the ESTATE OF TRYSTEN ELI FRANK ADAMS, by and through the undersigned attorneys and hereby files this Motion and as grounds therefore would state as follows:

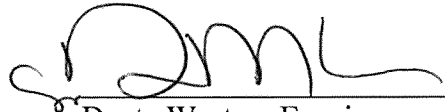
1. Plaintiff incorrectly identified the original Defendants (DEVEREUX and DCF) as the only proper Defendants in this case.
2. Plaintiff subsequently moved for and was granted leave to amend to add CAMELOT COMMUNITY CARE, INC., UNITED FOR FAMILIES, and HIBISCUS CHILDREN'S CENTER, INC.
3. Plaintiff now seeks to amend to add additional general allegations, see allegations fifteen through nineteen of the proposed Amended Complaint.
4. Attached hereto as Exhibit "A" is a copy of the proposed Amended Complaint.

WHEREFORE, Plaintiffs respectfully request this Court to enter an Order granting Plaintiffs' Motion to Amend Complaint.

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished this 8 day of May, 2017 by e-service to: Brett M. Waronicki, Esq., bwaronicki@wmrfla.com, Wiederhold, Moses, Kummerlen & Waronicki, P.A.; Anthony M. Iannacio, Esq., eserve@bgrplaw.com, tdomi@bgrplaw.com, Bush, Gaziano, Rice & Platter, P.A.; Karen M. Nissen, Esq., knissen@florida-law.com, Vernis & Bowling of Palm Beach, P.A.; and, Barbara W. Sonneborn, Esq., bws@sonnebornrutter.com, Sonneborn, Rutter & Cooney, P.A.; Lisa J. Augspurger, Esq., lja@bushlawgroup.com, cml@bushlawgroup.com, Bush & Augspurger, P.A.

Donaldson & Weston, P.A.
311 SE Ocean Boulevard
Stuart, FL 34994
(772) 266-5555 Telephone
(772) 600-8875 Facsimile

A handwritten signature in black ink, appearing to read 'Dante Weston', written over a horizontal line.

Dante Weston, Esquire
Florida Bar Number: 0062551

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CASE NO.: 2016CA001406

Plaintiff(s),

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FLORIDA DEPARTMENT OF CHILDREN
AND FAMILIES, DEVEREUX
COMMUNITY BASED CARE, INC.,
CAMELOT COMMUNITY CARE, INC.,
UNITED FOR FAMILIES, and HIBISCUS
CHILDREN'S CENTER, INC.

Defendant(s).

_____ /

FIFTH AMENDED COMPLAINT

COMES NOW, the Plaintiff, GERALD R. PUMPHREY, as Personal Representative of the ESTATE OF TRYSTEN ELI FRANK ADAMS, by and through the undersigned counsel and sues the Defendants, FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES (hereinafter referred to as "DCF"), DEVEREUX COMMUNITY BASED CARE, INC., CAMELOT COMMUNITY CARE, INC. (hereinafter referred to as "CAMELOT"), UNITED FOR FAMILIES, and HIBISCUS CHILDREN'S CENTER, INC., and in support thereof states as follows:

PARTIES AND JURISDICTION

1. That the instant action is for money damages in excess of Fifteen Thousand Dollars (\$15,000.00) and meets the jurisdictional limits of this court.
2. That at all times material hereto, decedent, TRYSTEN ELI FRANK ADAMS, was a minor, with residence in Saint Lucie County, Florida and is otherwise sui juris.
3. That, at all times material hereto, Plaintiff, GERALD R. PUMPHREY, has been

PLAINTIFF'S
EXHIBIT

A

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appointed and is the Personal Representative of the Estate of Trysten Eli Frank Adams, deceased. The Estate was opened in St. Lucie County, Florida. (Attached as Exhibit "A" are the Letters of Administration).

4. That at all times material hereto, the following are the survivors and beneficiaries of a recovery for the wrongful death of TRYSTEN ELI FRANK ADAMS:

- a. Elisa Benedito, decedent's mother
- b. Hoyt Adams, decedent's father

5. That at all times material hereto, Defendant, DEVEREUX COMMUNITY BASED CARE, INC., was and is a Florida Corporation, and is authorized to do business in Saint Lucie County, Florida.

6. That at all times material hereto, Defendant, DCF, was and is a state government agency.

7. That at all times material hereto, Defendant, CAMELOT COMMUNITY CARE, INC. was and is a Florida Corporation, and is authorized to do business in Saint Lucie County, Florida.

8. That at all times material hereto, Defendant, UNITED FOR FAMILIES, INC., was and is a Florida Corporation, and is authorized to do business in Saint Lucie County, Florida.

9. That at all times material hereto, Defendant, HIBISCUS CHILDREN'S CENTER, INC., was and is a Florida Corporation, and is authorized to do business in Saint Lucie County, Florida.

10. That at all times material hereto, Michael Beer, was an individual, with residence in Saint Lucie County, Florida and is otherwise sui juris.

11. That at all times material hereto, Michelle Beer, was an individual, with residence in Saint Lucie County, Florida and is otherwise sui juris.

12. That at all times material hereto, all actions relevant hereto took place in Saint Lucie

County, Florida.

13. That TRYSTEN ADAMS was murdered by Michael and/or Michelle Beer on September 28, 2014 while TRYSTEN ADAMS was in the care and custody of the Defendants.

14. All conditions precedent, including notice required by §768.28, Fla. Stat., have been performed or waived.

15. Plaintiff incorrectly identified the original Defendants (DEVEREUX and DCF) as the only proper Defendants in this case and seeks to correct this mistake by adding CAMELOT, UNITED FOR FAMILIES and HIBISCUS CHILDREN'S CENTER.

16. Upon information and belief, there is an identity of interest between CAMELOT, UNITED FOR FAMILIES and HIBISCUS CHILDREN'S CENTER and one or both of the original Defendants, DCF and DEVEREUX, in this case.

17. Upon information and belief, CAMELOT, UNITED FOR FAMILIES and HIBISCUS CHILDREN'S CENTER each had knowledge of this lawsuit before the expiration of the statute of limitations in this case.

18. Upon information and belief, CAMELOT, UNITED FOR FAMILIES and HIBISCUS CHILDREN'S CENTER knew that the Plaintiff had mistakenly named the original Defendants as the only correct Defendants in this case.

19. CAMELOT, UNITED FOR FAMILIES and HIBISCUS CHILDREN'S CENTER suffer no prejudice in being brought in to this lawsuit after the expiration of the statute of limitations.

COUNT I-WRONGFUL DEATH - NEGLIGENT PLACEMENT
AGAINST DEFENDANT DCF

20. That Plaintiff re-alleges all those counts contained in paragraphs numbered 1 through 19 above as if they were fully incorporated herein.

21. On or about July 29, 2014, Defendant, DCF, placed the decedent, TRYSTEN

ADAMS, into the foster care of Michael Beer and Michelle Beer.

22. Defendant, DCF, owed a duty of reasonable care in providing a safe environment to TRYSTEN ADAMS.

23. Defendant, DCF, breached said duty by placing TRYSTEN ADAMS in the care of Michael Beer and Michelle Beer when Michael and/or Michelle Beer beat TRYSTEN ADAMS to death.

24. Defendant, DCF knew, or in the exercise of reasonable care, should have known the risk to TRYSTEN ADAMS, and others similarly situated and failed to take reasonable steps to guard against such risk when it knew, or in the exercise of reasonable care, should have known that placement with Michael Beer and Michelle Beer created a foreseeable likelihood of harm to TRYSTEN ADAMS or other foster children placed in their care and custody.

25. As a result, the Plaintiff, GERALD R. PUMPHREY, as Personal Representative of the ESTATE OF TRYSTEN ELI FRANK ADAMS, has incurred funeral burial expenses, medical expenses, and suffered the loss of future earnings and net accumulations, including future pensions and retirement benefits.

26. As a result, Elisa Benedito, mother of decedent, has lost present and future support and services, and has incurred pain and suffering.

27. As a result, Hoyt Adams, father of decedent, has lost present and future support and services and has incurred pain and suffering.

WHEREFORE, Plaintiff, GERALD R. PUMPHREY, as Personal Representative of the ESTATE OF TRYSTEN ELI FRANK ADAMS, demand judgment against the Defendant, DCF, for damages in excess of Fifteen thousand dollars \$15,000.00 plus costs incurred herein and any other relief as this Court deems fit and proper.

COUNT II- WRONGFUL DEATH - NEGLIGENT SUPERVISION
AGAINST DEFENDANT DCF

28. That Plaintiff re-alleges all those counts contained in paragraphs numbered 1 through 19 above as if they were fully incorporated herein.

29. On or about July 29, 2014, Defendant, DCF, placed the decedent, TRYSTEN ADAMS, into the foster care of Michael Beer and Michelle Beer.

30. Defendant, DCF, owed a duty of reasonable care in supervising Michael Beer and Michelle beer as foster parents.

31. Defendant, DCF, further owed a duty to TRYSTEN ADAMS in supervising the placement of TRYSTEN ADAMS.

32. Defendant, DCF, breached said duty by allowing continued placement of TRYSTEN ADAMS in the care of Michael Beer and Michelle Beer which resulted in Michael Beer and/or Michelle Beer beating TRYSTEN ADAMS to death.

33. Defendant, DCF knew, or in the exercise of reasonable care, should have known the risk to TRYSTEN ADAMS, and others similarly situated and failed to take reasonable steps to guard against such risk when it knew, or in the exercise of reasonable care, should have known that placement with Michael Beer and Michelle Beer created a foreseeable likelihood of harm to TRYSTEN ADAMS or other foster children placed in his care and custody.

34. As a result, the Plaintiff, GERALD R. PUMPHREY, as Personal Representative of the ESTATE OF TRYSTEN ELI FRANK ADAMS, has incurred funeral burial expenses, medical expenses, and suffered the loss of future earnings and net accumulations, including future pensions and retirement benefits.

35. As a result, Elisa Benedito mother of decedent, has lost present and future support and services, and has incurred pain and suffering.

36. As a result, Hoyt Adams, father of decedent, has lost present and future support

and services and has incurred pain and suffering.

WHEREFORE, Plaintiff, GERALD R. PUMPHREY, as Personal Representative of the ESTATE OF TRYSTEN ELI FRANK ADAMS, demand judgment against the Defendant, DCF, for damages in excess of Fifteen thousand dollars \$15,000.00 plus costs incurred herein and any other relief as this Court deems fit and proper.

COUNT III-NEGLIGENCE-WRONGFUL DEATH NEGLIGENT TRAINING
AGAINST DEFENDANT DCF

37. That Plaintiff re-alleges all those counts contained in paragraphs numbered 1 through 19 above as if they were fully incorporated herein.

38. On or about July 29, 2014, Defendant, DCF, placed the decedent, TRYSTEN ADAMS, into the foster care of Michael Beer and Michelle Beer.

39. Defendant, DCF, owed a duty of reasonable care in training Michael Beer and Michelle beer as foster parents.

40. Defendant breached said duty by failing to adequately train Michael Beer and Michelle beer as foster parents which resulted in Michael Beer and/or Michelle Beer beating TRYSTEN ADAMS to death.

41. Defendant, DCF knew, or in the exercise of reasonable care, should have known the risk to TRYSTEN ADAMS, and others similarly situated and failed to take reasonable steps to guard against such risk when it knew, or in the exercise of reasonable care, should have known that placement with Michael Beer and Michelle Beer created a foreseeable likelihood of harm to TRYSTEN ADAMS or other foster children placed in his care and custody.

42. As a result, the Plaintiff, GERALD R. PUMPHREY, as Personal Representative of the ESTATE OF TRYSTEN ELI FRANK ADAMS, has incurred funeral burial expenses, medical expenses, and suffered the loss of future earnings and net accumulations, including future

pensions and retirement benefits.

43. As a result, Elisa Benedito, mother of decedent, has lost present and future support and services, and has incurred pain and suffering.

44. As a result, Hoyt Adams, father of decedent, has lost present and future support and services and has incurred pain and suffering.

WHEREFORE, Plaintiff, GERALD R. PUMPHREY, as Personal Representative of the ESTATE OF TRYSTEN ELI FRANK ADAMS, demand judgment against the Defendant, DCF, for damages in excess of Fifteen thousand dollars \$15,000.00 plus costs incurred herein and any other relief as this Court deems fit and proper.

**COUNT IV-NEGLIGENCE-WRONGFUL DEATH - NEGLIGENT PLACEMENT
AGAINST DEFENDANT DEVEREUX COMMUNITY BASED CARE**

45. That Plaintiff re-alleges all those counts contained in paragraphs numbered 1 through 19 above as if they were fully incorporated herein.

46. On or about July 29, 2014, Defendant, DEVEREUX COMMUNITY BASED CARE, placed the decedent, TRYSTEN ADAMS, into the foster care of Michael Beer and Michelle Beer.

47. Defendant, DEVEREUX COMMUNITY BASED CARE, owed a duty of reasonable care in providing a safe environment to TRYSTEN ADAMS.

48. Defendant, DEVEREUX COMMUNITY BASED CARE, breached said duty by placing TRYSTEN ADAMS in the care of Michael Beer and Michelle Beer when Michael and/or Michelle Beer beat TRYSTEN ADAMS to death.

49. Defendant, DEVEREUX COMMUNITY BASED CARE knew, or in the exercise of reasonable care, should have known the risk to TRYSTEN ADAMS, and others similarly situated and failed to take reasonable steps to guard against such risk when it knew, or

in the exercise of reasonable care, should have known that placement with Michael Beer and Michelle Beer created a foreseeable likelihood of harm to TRYSTEN ADAMS or other foster children placed in their care and custody.

50. As a result, the Plaintiff, GERALD R. PUMPHREY, as Personal Representative of the ESTATE OF TRYSTEN ELI FRANK ADAMS, has incurred funeral burial expenses, medical expenses, and suffered the loss of future earnings and net accumulations, including future pensions and retirement benefits.

51. As a result, Elisa Benedito, mother of decedent, has lost present and future support and services, and has incurred pain and suffering.

52. As a result, Hoyt Adams, father of decedent, has lost present and future support and services and has incurred pain and suffering.

WHEREFORE, Plaintiff, GERALD R. PUMPHREY, as Personal Representative of the ESTATE OF TRYSTEN ELI FRANK ADAMS, demand judgment against the Defendant, DEVEREUX COMMUNITY BASED CARE, for damages in excess of Fifteen thousand dollars \$15,000.00 plus costs incurred herein and any other relief as this Court deems fit and proper.

COUNT V-NEGLIGENCE-WRONGFUL DEATH NEGLIGENT SUPERVISION
AGAINST DEFENDANT DEVEREUX COMMUNITY BASED CARE

53. That Plaintiff re-alleges all those counts contained in paragraphs numbered 1 through 19 above as if they were fully incorporated herein.

54. On or about July 29, 2014, Defendant, DEVEREUX COMMUNITY BASED CARE, placed the decedent, TRYSTEN ADAMS, into the foster care of Michael Beer and Michelle Beer.

55. Defendant, DEVEREUX COMMUNITY BASED CARE, owed a duty of reasonable care in supervising Michael Beer and Michelle beer as foster parents.

56. Defendant, DEVEREUX COMMUNITY BASED CARE, further owed a duty to TRYSTEN ADAMS in supervising the placement of TRYSTEN ADAMS.

57. Defendant breached said duty by allowing continued placement of TRYSTEN ADAMS in the care of Michael Beer and Michelle Beer which resulted in Michael Beer and/or Michelle Beer beating TRYSTEN ADAMS to death.

58. Defendant, DEVEREUX COMMUNITY BASED CARE knew, or in the exercise of reasonable care, should have known the risk to TRYSTEN ADAMS, and others similarly situated and failed to take reasonable steps to guard against such risk when it knew, or in the exercise of reasonable care, should have known that placement with Michael Beer and Michelle Beer created a foreseeable likelihood of harm to TRYSTEN ADAMS or other foster children placed in his care and custody.

59. As a result, the Plaintiff, GERALD R. PUMPHREY, as Personal Representative of the ESTATE OF TRYSTEN ELI FRANK ADAMS, has incurred funeral burial expenses, medical expenses, and suffered the loss of future earnings and net accumulations, including future pensions and retirement benefits.

60. As a result, Elisa Benedito mother of decedent, has lost present and future support and services, and has incurred pain and suffering.

61. As a result, Hoyt Adams, father of decedent, has lost present and future support and services and has incurred pain and suffering.

WHEREFORE, Plaintiff, GERALD R. PUMPHREY, as Personal Representative of the ESTATE OF TRYSTEN ELI FRANK ADAMS, demand judgment against the Defendant, DEVEREUX COMMUNITY BASED CARE, for damages in excess of Fifteen thousand dollars \$15,000.00 plus costs incurred herein and any other relief as this Court deems fit and proper.

**COUNT VI-NEGLIGENCE-WRONGFUL DEATH NEGLIGENT TRAINING
AGAINST DEFENDANT DEVEREUX COMMUNITY BASED CARE**

62. That Plaintiff re-alleges all those counts contained in paragraphs numbered 1 through 19 above as if they were fully incorporated herein.

63. On or about July 29, 2014, Defendant, DEVEREUX COMMUNITY BASED CARE, placed the decedent, TRYSTEN ADAMS, into the foster care of Michael Beer and Michelle Beer.

64. Defendant, DEVEREUX COMMUNITY BASED CARE, owed a duty of reasonable care in training Michael Beer and Michelle beer as foster parents.

65. Defendant breached said duty by failing to adequately train Michael Beer and Michelle beer as foster parents which resulted in Michael Beer and/or Michelle Beer beating TRYSTEN ADAMS to death.

66. Defendant, DEVEREUX COMMUNITY BASED CARE knew, or in the exercise of reasonable care, should have known the risk to TRYSTEN ADAMS, and others similarly situated and failed to take reasonable steps to guard against such risk when it knew, or in the exercise of reasonable care, should have known that placement with Michael Beer and Michelle Beer created a foreseeable likelihood of harm to TRYSTEN ADAMS or other foster children placed in his care and custody.

67. As a result, the Plaintiff, GERALD R. PUMPHREY, as Personal Representative of the ESTATE OF TRYSTEN ELI FRANK ADAMS, has incurred funeral burial expenses, medical expenses, and suffered the loss of future earnings and net accumulations, including future pensions and retirement benefits.

68. As a result, Elisa Benedito, mother of decedent, has lost present and future support and services, and has incurred pain and suffering.

69. As a result, Hoyt Adams, father of decedent, has lost present and future support

and services and has incurred pain and suffering.

WHEREFORE, Plaintiffs, GERALD R. PUMPHREY, as Personal Representative of the ESTATE OF TRYSTEN ELI FRANK ADAMS, demand judgment against the Defendant, DEVEREUX COMMUNITY BASED CARE, for damages in excess of Fifteen thousand dollars \$15,000.00 plus costs incurred herein and any other relief as this Court deems fit and proper.

**COUNT VII-WRONGFUL DEATH - NEGLIGENCE PLACEMENT
AGAINST DEFENDANT CAMELOT COMMUNITY CARE, INC.**

70. That Plaintiff re-alleges all those counts contained in paragraphs numbered 1 through 19 above as if they were fully incorporated herein.

71. On or about July 29, 2014, Defendant, CAMELOT, placed the decedent, TRYSTEN ADAMS, into the foster care of Michael Beer and Michelle Beer.

72. Defendant, CAMELOT, owed a duty of reasonable care in providing a safe environment to TRYSTEN ADAMS.

73. Defendant, CAMELOT, breached said duty by placing TRYSTEN ADAMS in the care of Michael Beer and Michelle Beer when Michael and/or Michelle Beer beat TRYSTEN ADAMS to death.

74. Defendant, CAMELOT knew, or in the exercise of reasonable care, should have known the risk to TRYSTEN ADAMS, and others similarly situated and failed to take reasonable steps to guard against such risk when it knew, or in the exercise of reasonable care, should have known that placement with Michael Beer and Michelle Beer created a foreseeable likelihood of harm to TRYSTEN ADAMS or other foster children placed in their care and custody.

75. As a result, the Plaintiff, GERALD R. PUMPHREY, as Personal Representative of the ESTATE OF TRYSTEN ELI FRANK ADAMS, has incurred funeral burial expenses, medical expenses, and suffered the loss of future earnings and net accumulations, including future

pensions and retirement benefits.

76. As a result, Elisa Benedito, mother of decedent, has lost present and future support and services, and has incurred pain and suffering.

77. As a result, Hoyt Adams, father of decedent, has lost present and future support and services and has incurred pain and suffering.

WHEREFORE, Plaintiff, GERALD R. PUMPHREY, as Personal Representative of the ESTATE OF TRYSTEN ELI FRANK ADAMS, demand judgment against the Defendant, CAMELOT, for damages in excess of Fifteen thousand dollars \$15,000.00 plus costs incurred herein and any other relief as this Court deems fit and proper.

COUNT VIII- WRONGFUL DEATH - NEGLIGENCE SUPERVISION
AGAINST DEFENDANT CAMELOT COMMUNITY CARE, INC.

78. That Plaintiff re-alleges all those counts contained in paragraphs numbered 1 through 19 above as if they were fully incorporated herein.

79. On or about July 29, 2014, Defendant, CAMELOT, placed the decedent, TRYSTEN ADAMS, into the foster care of Michael Beer and Michelle Beer.

80. Defendant, CAMELOT, owed a duty of reasonable care in supervising Michael Beer and Michelle beer as foster parents.

81. Defendant, CAMELOT, further owed a duty to TRYSTEN ADAMS in supervising the placement of TRYSTEN ADAMS.

82. Defendant, CAMELOT, breached said duty by allowing continued placement of TRYSTEN ADAMS in the care of Michael Beer and Michelle Beer which resulted in Michael Beer and/or Michelle Beer beating TRYSTEN ADAMS to death.

83. Defendant, CAMELOT knew, or in the exercise of reasonable care, should have known the risk to TRYSTEN ADAMS, and others similarly situated and failed to take reasonable steps to guard against such risk when it knew, or in the exercise of reasonable care,

should have known that placement with Michael Beer and Michelle Beer created a foreseeable likelihood of harm to TRYSTEN ADAMS or other foster children placed in his care and custody.

84. As a result, the Plaintiff, GERALD R. PUMPHREY, as Personal Representative of the ESTATE OF TRYSTEN ELI FRANK ADAMS, has incurred funeral burial expenses, medical expenses, and suffered the loss of future earnings and net accumulations, including future pensions and retirement benefits.

85. As a result, Elisa Benedito mother of decedent, has lost present and future support and services, and has incurred pain and suffering.

86. As a result, Hoyt Adams, father of decedent, has lost present and future support and services and has incurred pain and suffering.

WHEREFORE, Plaintiff, GERALD R. PUMPHREY, as Personal Representative of the ESTATE OF TRYSTEN ELI FRANK ADAMS, demand judgment against the Defendant, CAMELOT, for damages in excess of Fifteen thousand dollars \$15,000.00 plus costs incurred herein and any other relief as this Court deems fit and proper.

COUNT IX-NEGLIGENCE-WRONGFUL DEATH NEGLIGENT TRAINING
AGAINST DEFENDANT CAMELOT COMMUNITY CARE, INC.

87. That Plaintiff re-alleges all those counts contained in paragraphs numbered 1 through 19 above as if they were fully incorporated herein.

88. On or about July 29, 2014, Defendant, CAMELOT, placed the decedent, TRYSTEN ADAMS, into the foster care of Michael Beer and Michelle Beer.

89. Defendant, CAMELOT, owed a duty of reasonable care in training Michael Beer and Michelle beer as foster parents.

90. Defendant breached said duty by failing to adequately train Michael Beer and Michelle beer as foster parents which resulted in Michael Beer and/or Michelle Beer beating

TRYSTEN ADAMS to death.

91. Defendant, CAMELOT knew, or in the exercise of reasonable care, should have known the risk to TRYSTEN ADAMS, and others similarly situated and failed to take reasonable steps to guard against such risk when it knew, or in the exercise of reasonable care, should have known that placement with Michael Beer and Michelle Beer created a foreseeable likelihood of harm to TRYSTEN ADAMS or other foster children placed in his care and custody.

92. As a result, the Plaintiff, GERALD R. PUMPHREY, as Personal Representative of the ESTATE OF TRYSTEN ELI FRANK ADAMS, has incurred funeral burial expenses, medical expenses, and suffered the loss of future earnings and net accumulations, including future pensions and retirement benefits.

93. As a result, Elisa Benedito, mother of decedent, has lost present and future support and services, and has incurred pain and suffering.

94. As a result, Hoyt Adams, father of decedent, has lost present and future support and services and has incurred pain and suffering.

WHEREFORE, Plaintiff, GERALD R. PUMPHREY, as Personal Representative of the ESTATE OF TRYSTEN ELI FRANK ADAMS, demand judgment against the Defendant, CAMELOT, for damages in excess of Fifteen thousand dollars \$15,000.00 plus costs incurred herein and any other relief as this Court deems fit and proper.

COUNT X-WRONGFUL DEATH - NEGLIGENT PLACEMENT
AGAINST DEFENDANT UNITED FOR FAMILIES, INC.

95. That Plaintiff re-alleges all those counts contained in paragraphs numbered 1 through 19 above as if they were fully incorporated herein.

96. On or about May 31, 2013 Defendant, UNITED FOR FAMILIES, licensed Michael Beer.

97. Defendant, UNITED FOR FAMILIES, failed to locate and/or investigate prior claims of abuse against Michael Beer.

98. As a result of the licensure of Michael Beer, the decedent, TRYSTEN ADAMS, was placed into the foster care of Michael Beer and Michelle Beer.

99. Defendant, UNITED FOR FAMILIES, owed a duty of reasonable care in providing a safe environment to TRYSTEN ADAMS.

100. Defendant, UNITED FOR FAMILIES, breached said duty by placing TRYSTEN ADAMS in the care of Michael Beer and Michelle Beer when Michael and/or Michelle Beer beat TRYSTEN ADAMS to death.

101. Defendant, UNITED FOR FAMILIES knew, or in the exercise of reasonable care, should have known the risk to TRYSTEN ADAMS, and others similarly situated and failed to take reasonable steps to guard against such risk when it knew, or in the exercise of reasonable care, should have known that placement with Michael Beer and Michelle Beer created a foreseeable likelihood of harm to TRYSTEN ADAMS or other foster children placed in their care and custody.

102. As a result, the Plaintiff, GERALD R. PUMPHREY, as Personal Representative of the ESTATE OF TRYSTEN ELI FRANK ADAMS, has incurred funeral burial expenses, medical expenses, and suffered the loss of future earnings and net accumulations, including future pensions and retirement benefits.

103. As a result, Elisa Benedito, mother of decedent, has lost present and future support and services, and has incurred pain and suffering.

104. As a result, Hoyt Adams, father of decedent, has lost present and future support and services and has incurred pain and suffering.

WHEREFORE, Plaintiff, GERALD R. PUMPHREY, as Personal Representative of the ESTATE OF TRYSTEN ELI FRANK ADAMS, demand judgment against the Defendant,

UNITED FOR FAMILIES, for damages in excess of Fifteen thousand dollars \$15,000.00 plus costs incurred herein and any other relief as this Court deems fit and proper.

COUNT XI- WRONGFUL DEATH - NEGLIGENT SUPERVISION
AGAINST DEFENDANT UNITED FOR FAMILIES, INC.

105. That Plaintiff re-alleges all those counts contained in paragraphs numbered 1 through 19 above as if they were fully incorporated herein.

106. On or about July 29, 2014, Defendant, UNITED FOR FAMILIES, placed the decedent, TRYSTEN ADAMS, into the foster care of Michael Beer and Michelle Beer.

107. Defendant, UNITED FOR FAMILIES, owed a duty of reasonable care in supervising Michael Beer and Michelle beer as foster parents.

108. Defendant, UNITED FOR FAMILIES, further owed a duty to TRYSTEN ADAMS in supervising the placement of TRYSTEN ADAMS.

109. Defendant, UNITED FOR FAMILIES, breached said duty by allowing continued placement of TRYSTEN ADAMS in the care of Michael Beer and Michelle Beer which resulted in Michael Beer and/or Michelle Beer beating TRYSTEN ADAMS to death.

110. Defendant, UNITED FOR FAMILIES knew, or in the exercise of reasonable care, should have known the risk to TRYSTEN ADAMS, and others similarly situated and failed to take reasonable steps to guard against such risk when it knew, or in the exercise of reasonable care, should have known that placement with Michael Beer and Michelle Beer created a foreseeable likelihood of harm to TRYSTEN ADAMS or other foster children placed in his care and custody.

111. As a result, the Plaintiff, GERALD R. PUMPHREY, as Personal Representative of the ESTATE OF TRYSTEN ELI FRANK ADAMS, has incurred funeral burial expenses, medical expenses, and suffered the loss of future earnings and net accumulations, including future pensions and retirement benefits.

112. As a result, Elisa Benedito mother of decedent, has lost present and future support and services, and has incurred pain and suffering.

113. As a result, Hoyt Adams, father of decedent, has lost present and future support and services and has incurred pain and suffering.

WHEREFORE, Plaintiff, GERALD R. PUMPHREY, as Personal Representative of the ESTATE OF TRYSTEN ELI FRANK ADAMS, demand judgment against the Defendant, UNITED FOR FAMILIES, for damages in excess of Fifteen thousand dollars \$15,000.00 plus costs incurred herein and any other relief as this Court deems fit and proper.

COUNT XII-NEGLIGENCE-WRONGFUL DEATH NEGLIGENT TRAINING
AGAINST DEFENDANT UNITED FOR FAMILIES, INC.

114. That Plaintiff re-alleges all those counts contained in paragraphs numbered 1 through 19 above as if they were fully incorporated herein.

115. On or about July 29, 2014, Defendant, UNITED FOR FAMILIES, placed the decedent, TRYSTEN ADAMS, into the foster care of Michael Beer and Michelle Beer.

116. Defendant, UNITED FOR FAMILIES, owed a duty of reasonable care in training Michael Beer and Michelle beer as foster parents.

117. Defendant breached said duty by failing to adequately train Michael Beer and Michelle beer as foster parents which resulted in Michael Beer and/or Michelle Beer beating TRYSTEN ADAMS to death.

118. Defendant, UNITED FOR FAMILIES knew, or in the exercise of reasonable care, should have known the risk to TRYSTEN ADAMS, and others similarly situated and failed to take reasonable steps to guard against such risk when it knew, or in the exercise of reasonable care, should have known that placement with Michael Beer and Michelle Beer created a foreseeable likelihood of harm to TRYSTEN ADAMS or other foster children placed in his care and custody.

119. As a result, the Plaintiff, GERALD R. PUMPHREY, as Personal Representative of the ESTATE OF TRYSTEN ELI FRANK ADAMS, has incurred funeral burial expenses, medical expenses, and suffered the loss of future earnings and net accumulations, including future pensions and retirement benefits.

120. As a result, Elisa Benedito, mother of decedent, has lost present and future support and services, and has incurred pain and suffering.

121. As a result, Hoyt Adams, father of decedent, has lost present and future support and services and has incurred pain and suffering.

WHEREFORE, Plaintiff, GERALD R. PUMPHREY, as Personal Representative of the ESTATE OF TRYSTEN ELI FRANK ADAMS, demand judgment against the Defendant, UNITED FOR FAMILIES, for damages in excess of Fifteen thousand dollars \$15,000.00 plus costs incurred herein and any other relief as this Court deems fit and proper.

**COUNT XIII-WRONGFUL DEATH - NEGLIGENT PLACEMENT
AGAINST DEFENDANT HIBISCUS CHILDREN'S CENTER, INC.**

122. That Plaintiff re-alleges all those counts contained in paragraphs numbered 1 through 19 above as if they were fully incorporated herein.

123. On or about May 31, 2013 Defendant, HIBISCUS CHILDREN'S CENTER, INC., licensed Michael Beer.

124. Defendant, HIBISCUS CHILDREN'S CENTER, INC., failed to locate and/or investigate prior claims of abuse against Michael Beer.

125. As a result of the licensure of Michael Beer, the decedent, TRYSTEN ADAMS, was placed into the foster care of Michael Beer and Michelle Beer.

126. Defendant, HIBISCUS CHILDREN'S CENTER, INC., owed a duty of reasonable care in providing a safe environment to TRYSTEN ADAMS.

127. Defendant, HIBISCUS CHILDREN'S CENTER, INC., breached said duty by

placing TRYSTEN ADAMS in the care of Michael Beer and Michelle Beer when Michael and/or Michelle Beer beat TRYSTEN ADAMS to death.

128. Defendant, HIBISCUS CHILDREN'S CENTER, INC., knew, or in the exercise of reasonable care, should have known the risk to TRYSTEN ADAMS, and others similarly situated and failed to take reasonable steps to guard against such risk when it knew, or in the exercise of reasonable care, should have known that placement with Michael Beer and Michelle Beer created a foreseeable likelihood of harm to TRYSTEN ADAMS or other foster children placed in their care and custody.

129. As a result, the Plaintiff, GERALD R. PUMPHREY, as Personal Representative of the ESTATE OF TRYSTEN ELI FRANK ADAMS, has incurred funeral burial expenses, medical expenses, and suffered the loss of future earnings and net accumulations, including future pensions and retirement benefits.

130. As a result, Elisa Benedito, mother of decedent, has lost present and future support and services, and has incurred pain and suffering.

131. As a result, Hoyt Adams, father of decedent, has lost present and future support and services and has incurred pain and suffering.

WHEREFORE, Plaintiff, GERALD R. PUMPHREY, as Personal Representative of the ESTATE OF TRYSTEN ELI FRANK ADAMS, demand judgment against the Defendant, HIBISCUS CHILDREN'S CENTER, INC., for damages in excess of Fifteen thousand dollars \$15,000.00 plus costs incurred herein and any other relief as this Court deems fit and proper.

COUNT XIV- WRONGFUL DEATH - NEGLIGENT SUPERVISION
AGAINST DEFENDANT HIBISCUS CHILDREN'S CENTER, INC.

132. That Plaintiff re-alleges all those counts contained in paragraphs numbered 1 through 19 above as if they were fully incorporated herein.

133. On or about July 29, 2014, Defendant, HIBISCUS CHILDREN'S CENTER, INC.,

placed the decedent, TRYSTEN ADAMS, into the foster care of Michael Beer and Michelle Beer.

134. Defendant, HIBISCUS CHILDREN'S CENTER, INC., owed a duty of reasonable care in supervising Michael Beer and Michelle beer as foster parents.

135. Defendant, HIBISCUS CHILDREN'S CENTER, INC., further owed a duty to TRYSTEN ADAMS in supervising the placement of TRYSTEN ADAMS.

136. Defendant, HIBISCUS CHILDREN'S CENTER, INC., breached said duty by allowing continued placement of TRYSTEN ADAMS in the care of Michael Beer and Michelle Beer which resulted in Michael Beer and/or Michelle Beer beating TRYSTEN ADAMS to death.

137. Defendant, HIBISCUS CHILDREN'S CENTER, INC., knew, or in the exercise of reasonable care, should have known the risk to TRYSTEN ADAMS, and others similarly situated and failed to take reasonable steps to guard against such risk when it knew, or in the exercise of reasonable care, should have known that placement with Michael Beer and Michelle Beer created a foreseeable likelihood of harm to TRYSTEN ADAMS or other foster children placed in his care and custody.

138. As a result, the Plaintiff, GERALD R. PUMPHREY, as Personal Representative of the ESTATE OF TRYSTEN ELI FRANK ADAMS, has incurred funeral burial expenses, medical expenses, and suffered the loss of future earnings and net accumulations, including future pensions and retirement benefits.

139. As a result, Elisa Benedito mother of decedent, has lost present and future support and services, and has incurred pain and suffering.

140. As a result, Hoyt Adams, father of decedent, has lost present and future support and services and has incurred pain and suffering.

WHEREFORE, Plaintiff, GERALD R. PUMPHREY, as Personal Representative of the ESTATE OF TRYSTEN ELI FRANK ADAMS, demand judgment against the Defendant, HIBISCUS CHILDREN'S CENTER, INC., for damages in excess of Fifteen thousand dollars

\$15,000.00 plus costs incurred herein and any other relief as this Court deems fit and proper.

COUNT XV-NEGLIGENCE-WRONGFUL DEATH NEGLIGENT TRAINING
AGAINST DEFENDANT HIBISCUS CHILDREN'S CENTER

141. That Plaintiff re-alleges all those counts contained in paragraphs numbered 1 through 19 above as if they were fully incorporated herein.

142. On or about July 29, 2014, Defendant, HIBISCUS CHILDREN'S CENTER, INC., placed the decedent, TRYSTEN ADAMS, into the foster care of Michael Beer and Michelle Beer.

143. Defendant, HIBISCUS CHILDREN'S CENTER, INC., owed a duty of reasonable care in training Michael Beer and Michelle beer as foster parents.

144. Defendant breached said duty by failing to adequately train Michael Beer and Michelle beer as foster parents which resulted in Michael Beer and/or Michelle Beer beating TRYSTEN ADAMS to death.

145. Defendant, HIBISCUS CHILDREN'S CENTER, INC., knew, or in the exercise of reasonable care, should have known the risk to TRYSTEN ADAMS, and others similarly situated and failed to take reasonable steps to guard against such risk when it knew, or in the exercise of reasonable care, should have known that placement with Michael Beer and Michelle Beer created a foreseeable likelihood of harm to TRYSTEN ADAMS or other foster children placed in his care and custody.

146. As a result, the Plaintiff, GERALD R. PUMPHREY, as Personal Representative of the ESTATE OF TRYSTEN ELI FRANK ADAMS, has incurred funeral burial expenses, medical expenses, and suffered the loss of future earnings and net accumulations, including future pensions and retirement benefits.

147. As a result, Elisa Benedito, mother of decedent, has lost present and future support and services, and has incurred pain and suffering.

148. As a result, Hoyt Adams, father of decedent, has lost present and future support

and services and has incurred pain and suffering.

WHEREFORE, Plaintiff, GERALD R. PUMPHREY, as Personal Representative of the ESTATE OF TRYSTEN ELI FRANK ADAMS, demand judgment against the Defendant, HIBISCUS CHILDREN'S CENTER, INC., for damages in excess of Fifteen thousand dollars \$15,000.00 plus costs incurred herein and any other relief as this Court deems fit and proper.


DEMAND FOR TRIAL BY JURY

WHEREFORE, Plaintiffs, GERALD R. PUMPHREY, as Personal Representative of the ESTATE OF TRYSTEN ELI FRANK ADAMS, demand judgment for damages against Defendants, DCF, DEVEREUX COMMUNITY BASED CARE, INC., CAMELOT COMMUNITY CARE, INC., UNITED FOR FAMILIES, INC., and HIBISCUS CHILDREN'S CENTER, INC., taxable costs, and trial by jury of all issues triable as a matter of right thereby.

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished this 8th day of May, 2017 by e-service to: Brett M. Waronicki, Esq., bwaronicki@wmrfla.com, Wiederhold, Moses, Kummerlen & Waronicki, P.A.; Anthony M. Iannacio, Esq., eserve@bgrplaw.com, tdomi@bgrplaw.com, Bush, Gaziano, Rice & Platter, P.A.; Karen M. Nissen, Esq., knissen@florida-law.com, Vernis & Bowling of Palm Beach, P.A.; and, Barbara W. Sonneborn, Esq., bws@sonnebornrutter.com, Sonneborn, Rutter & Cooney, P.A.; Lisa J. Augspurger, Esq., lja@bushlawgroup.com, cml@bushlawgroup.com, Bush & Augspurger, P.A.

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